



04/12

# Delegated decision report

Committee

## DECISION UNDER DELEGATED POWERS

**DECISION CANNOT BE TAKEN BEFORE WEDNESDAY, 29 FEBRUARY 2012**

Title

**APPROVAL OF THE ISLAND PLAN CORE STRATEGY FOR ADOPTION BY FULL COUNCIL**

Report of/to

**REPORT TO THE CABINET MEMBER FOR THE ECONOMY AND THE ENVIRONMENT**

### EXECUTIVE SUMMARY

1. The Core Strategy Examination has been concluded with the receipt of the Planning Inspector's report to the council. The Inspector has concluded that the Core Strategy provides an appropriate basis for the planning of the Island over the next 15 years.
2. The Inspector found that a limited number of changes are needed to the Core Strategy Development Plan Document. This report seeks approval of the revised Core Strategy and recommends that the council may now adopt the Core Strategy, as amended, to take account of the Inspector's changes.

### BACKGROUND

3. The Island Plan Core Strategy is the key document in the Isle of Wight Local Development Framework. It has now reached a stage, where following receipt of the inspector's report the council may resolve to adopt the plan.
4. The policies within the plan have been developed, based upon findings from topic specific studies, the sustainability appraisal, the habitat's regulation assessment and consultation responses.
5. The consultation representations received from the April submission stage, along with all the supporting background evidence were submitted with the Draft Core Strategy on 24 June 2011 to the Planning Inspectorate for Examination. The Inspector conducted Hearing Sessions from 18 October – 21 October 2011, where various matters were debated.
6. Following the hearing sessions, the council submitted a schedule of suggested changes to the Inspector on 2 November 2011. The suggested changes were also subject to a period of further comment for four weeks from 11 November 2011. The approval to submit and agree these changes was delegated to the Head of Planning and Regulatory Services in consultation with the cabinet member and director by officer delegated decision.

7. The inspector's report was received on 14 December 2011. The report concludes that the Island Plan Core Strategy provides an appropriate basis for planning on the Island for the next 15 years and that the council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered. A copy of the inspector's report together with its appendices is attached as Appendix A of this report.
8. None of the changes alter the thrust of the council's strategy and can be summarised as follows:
  - amended Development Plan Document (DPD) title to reflect the plan's development management and minerals and waste functions;
  - clarification of the relationship between the DPD and the proposals map;
  - revised breakdown of the numbers of additional new houses that are needed (although the plan's total housing requirement remains unchanged) to take account of updated supply information, including an amended affordable housing target;
  - greater emphasis given to the importance of preventing coalescence between settlements in the Medina Valley;
  - clarification about the consideration of viability issues in new development;
  - revised guidance in respect of developments involving gypsies, travellers and travelling showpeople, consistent with national policy;
  - deletion of commercial/leisure site allocation at St Georges Way, Newport;
  - providing greater clarity about the protection of employment land and the policy approach regarding employment sites with deep water access;
  - clarifying the approach to tourism proposals outside settlements and to schemes involving the loss of tourist bed spaces;
  - deletion of the star grading method for assessing tourist scheme quality;
  - ensuring that the approach to protecting the natural, built and historic environment accords with national policy and legislation; and
  - clarification of policy approach to transportation improvements in Newport.
9. All but two of the changes recommended by the inspector in his report are based on proposals put forward by the council in response to points raised and suggestions discussed during the public examination. The inspector, in his report, confirmed that the recommended changes do not alter the thrust of the overall strategy.
10. The inspector's recommendations are binding upon the council and therefore the plan when adopted must include all the changes made to it by the Inspector.
11. As soon as practicable after the plan is adopted the council must make the plan, together with an adoption statement and the sustainability appraisal report available at County Hall and Seaclose Offices and libraries across the Island. It must be publicised through local advertisement and the adoption statement must be published on the council's website and sent to all persons who asked to be notified of adoption.
12. In the interim period from receipt of the Inspector's Report to adoption by Full Council, decisions on planning applications will need to be made in accordance with the Development Plan, taking account of new core strategy policies.

13. Once the Core Strategy has been adopted, work will progress/commence on the next Development Plan documents that are to be produced. These are the three Area Action Plans, covering The Medina Valley, Ryde and The Bay and the objectives for the Area Action Plans and issues that they will cover are set out in Policies AAP1 – AAP3 of the Core Strategy.
14. The programme of work on the next Island Plan documents to be produced is set out in the Council's Local Development Scheme and the detail of the work programme has recently been reviewed (in light of the Core Strategy having been found "sound") and to ensure that work can progress as efficiently and effectively as possible.
15. The priorities for work are as follows:
  1. Medina Valley Area Action Plan
  2. Ryde Area Action Plan
  3. The Bay Area Action Plan and the Delivery & Management DPD.
16. Work will commence on priorities 1 and 2 in 2012, with examinations and adoption of both documents programmed for 2013. Work on priority 3 will commence in 2013, with examinations and adoption programmed for 2014.
17. In addition to a review of the work programme on other development plan documents, adoption of the Core Strategy will also trigger the need for a review of 1APP. Planning applications are submitted on a nationally approved standard form, but the information required to support an application includes not only national requirements but local requirements and the checklist for what should be included within an application is called 1APP. A change in policy approach through the adoption of the core strategy will mean that there will be a change in local requirements for information to be submitted with planning applications.

## STRATEGIC CONTEXT

18. The Island Plan Core Strategy is a key document in enabling the land use elements of the Sustainable Community Strategy, particularly those relating to a thriving Island and a healthy and supportive Island.
19. The Core Strategy will enable delivery of at least four key priorities within the Council's Corporate plan, namely: housing and homelessness; regeneration and the economy; highways PFI and the waste strategy by enabling delivery of sites through the planning process.

## CONSULTATION

20. The core strategy has been subject to a significant amount of consultation both internally within the council and externally with specific and general consultation bodies, as required by regulation.
21. The inspector's report has been produced taking account of all representation received at Regulation 27 stage of the process (April 2011), the hearing sessions held between 18 - 21 October and the comments received by a focussed consultation exercise on the suggested changes that arose from the hearings sessions.

## FINANCIAL / BUDGET IMPLICATIONS

22. There are no direct financial implications of approval of the Core Strategy. The indirect cost implications relate to publication and printing costs and budget is available to cover this cost.

## LEGAL IMPLICATIONS

23. Due legal process for the Island Plan Core Strategy is set out in the Town and Country Planning Act 1990 as amended, Planning and Compulsory Purchase Act 2004 as amended and associated regulations. The process results in examination of the document by an inspector appointed by the Secretary of State and it is his role to assess whether the plan is "sound".
24. Soundness is assessed through a series of tests, one of which is compliance with any required legal process and that the plan and its policies are in general conformity with the Regional Spatial Strategy (the south east plan) and national planning policy. In addition, throughout the development of the Core Strategy the council has taken legal advice to ensure that due process has been followed.
25. Once adopted the Island Plan Core Strategy will completely replace the Unitary Development Plan and will form the Development Plan for the Island along with the South East Plan (until such time as the South East plan is abolished through the Localism Act 2011).
26. The council is required under s.21(2) Planning and Compulsory Purchase Act 2004 to comply with the direction made by the planning inspector. The council would be adopting the policy under powers in s.23(3) Planning and Compulsory Purchase Act 2004 which allows it to adopt the strategy in accordance with the modifications made by the planning inspector. It is apparent that the proposed changes are in accordance with the planning inspector's report and accordingly there is a little risk associated with making the decision.

## EQUALITY AND DIVERSITY

27. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and foster good relations between people from different backgrounds. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
28. Prior to being submitted in June 2011 an Equality Impact Assessment (EIA) was undertaken to ensure that the policies within the plan did not discriminate in any way against any protected characteristics listed above. This assessment concluded that the document does not in any way discriminate against the protected characteristics set out in paragraph 27 above.
29. A review of the EIA was also undertaken in December 2011 to ensure that the changes recommended by the Inspector were not discriminatory in any way. This review has concluded that the document does not discriminate against the protected characteristics set out in paragraph 27 above. A copy of the EIA has already been published on the council's website.

## PROPERTY IMPLICATIONS

30. There are no direct property implications associated with the approval of the Core Strategy. The indirect implications will be the same as for all property on the Island in so far as all council owned property on the Island will be subject to the Core Strategy, once adopted.

## OPTIONS

31. Option 1: To recommend that Full Council be adopt the Island Plan Core Strategy as amended by the inspector's recommendations
32. Option 2: That the changes to the proposals map be recommended to Full Council for approval and adoption as part of the Island Plan Core Strategy
33. Option 3: That notices and the required documents, including the Inspector's Report be published and circulated in accordance with the statutory requirements, as soon as practicable.
34. Option 4: That the Core Strategy is not approved for adoption and that further work is undertaken on the policy content of the document.
35. Option 5: That a review of 1APP be undertaken to ensure that the local requirements for information required with planning applications are reviewed and reflect the policies within the Core Strategy.

## RISK MANAGEMENT

36. If the Council decides not to approve the Island Plan Core Strategy for adoption, it must withdraw the plan and there would be a number of consequences. To review the content and undertake further work would incur significant costs for new and updated studies, more consultation and in particular a further examination of the revised plan.
37. A further delay in adoption of the Core Strategy would lead to applications being determined on the basis of considerable weight being given to the Government's review of national planning policy, which is seeking to require that all local planning authorities permit applications where sustainable development and/or job creation is involved, where an up to date core strategy is not in place. There would be no local context for decision making and such decisions could be unfavourable to the council's strategy for planning on the Island.
38. The risk associated with adoption of the core strategy is the potential for a legal challenge in the High Court. Such a challenge could not be to the content of the plan but that a procedural component was not complied with when the plan was prepared or adopted. Legal advice has been taken during the plan preparation process to ensure that the risks are minimised. The Inspector is also required to check that the plan has complied with legislation and he has concluded that the Core Strategy meets those that he is required to consider.

## EVALUATION

39. Options 1-3 allow the plan to be approved for adoption, and upon adoption it would replace all of the saved Unitary Development Plan policies. This would put in place a replacement for the UDP in a timely manner and ensure that planning applications are considered against the council's new policies.

40. Option 4 would lead to further delay and cost before a document could be approved for adoption and the consequences of this are set out in paragraphs 36-37 above.
41. Option 5 will ensure that information that is submitted with a planning application enables consideration of proposals against Core Strategy policies.

### RECOMMENDATION

42. Options 1, 2, 3 and 5 are recommended:
43. To recommend that Full Council be adopt the Island Plan Core Strategy as amended by the inspector's recommendations.
44. That the changes to the proposals map be recommended to Full Council for approval and adoption as part of the Island Plan Core Strategy.
45. That notices and the required documents, including the Inspector's Report be published and circulated in accordance with the statutory requirements, as soon as practicable.
46. That a review of 1APP be undertaken to ensure that the local requirements for information required with planning applications are reviewed and reflect the policies within the Core Strategy.

### APPENDICES ATTACHED

47. [APPENDIX A](#): Inspector's Report on the Island Plan Core Strategy, Planning Inspectorate, December 2011.
48. [APPENDIX B](#): Future Island Plan Work Programme – Review of the Local Development Scheme

### BACKGROUND PAPERS

49. Equality Impact Assessment

Contact Point - Wendy Perera, Deputy Head of Planning & Regulatory Services (Policy),  
    *01983 823552 e-mail [wendy.perera@iow.gov.uk](mailto:wendy.perera@iow.gov.uk)*

STUART LOVE  
*Strategy Director*  
*Economy and Environment*

COUNCILLOR BROWN  
*Cabinet Member*  
*The Economy and The Environment*

Decision

Signed

Date